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السلام عليكم و رحمة الله و بركاته

MENTIONING THE NAME OF ALLAAH WHEN SLAUGHTERING.

ALLAAH SAYS IN THE QURAAN:

Do not eat from (the meat of) that (animal) **on which Allaah's name was not taken** (when slaughtered). This (eating such meat) is undoubtedly a sin. 6:121

Eat what they hunt for you (when they fulfill the conditions of the Shariah in hunting) and **take the name of Allaah** (when releasing the hunting dog or bird). Fear (the reckoning of) Allaah! Verily Allaah is swift in reckoning (so do not transgress the limits).5:4

Animals slaughtered in the name of any being besides Allaah will be considered to be maytah. The Mushrikeen slaughter in the names of their idols and even if these people take the name of Allaah when slaughtering, the animal will be Haraam.

We have ordained rites (of sacrifice) for every nation (of Mu'mineen before you) so that **they may take Allaah's name on the animals** that Allaah has provided for them. 22:34

So take Allaah's name on them (when you intend slaughtering them) as they stand in rows (ready to be slaughtered.) 22:36

They (the Mushrikeen of Makkah) say of their assumption (**without any proof for it from Allaah)**, "these are livestock and crops that are prohibited. Only those people whom we approve of may eat from it." And (there are also those) livestock whose backs have been forbidden (by them when they declared that none may use these animals for riding or for carrying loads) and **those upon whom they do not take Allaah's name (when slaughtering them)**; (all this they do) as a slander against Allaah. 6:138

What is the matter with you that you do not eat from that (meat) **on which Allaah's name was taken (when the animal was slaughtered) when He has explained to you** (in many verses) what is forbidden (for you to eat) 6:119

RASULULLAAH (S.A.W) SAYS:

1) It is narrated that Rafi' Ibn Khadij (R.A.) said:

   The Messenger of Allaah said, '[As long as you use] **whatever causes the blood to flow out** and the **name of Allaah has been mentioned** [before slaughtering], **you may eat** [the animal].' (Sahih al-Bukhari)

2) It is narrated that Abdullah Ibn Umar (R.A.) said:

   The Messenger of Allaah met Zayd ibn Amr ibn Nufayl at the lower part of [the valley of] Baldah. This was before the Messenger of Allaah received revelation. A table spread of food was presented to the Nabi (S.A.W) but **he refused to eat from it**. [He offered it to] Zayd [who] then said [to the Quraishite pagans]: 'I do not eat from that which you slaughter on your [pagan] altars. **I do not eat except that upon which the name of Allaah has been mentioned**.' (Sahih al-Bukhari)

   This is also evidence that the law of Ibrahim (A.S.) prohibited animals over which the name of Allaah was not mentioned.

3) Jundub ibn Sufyan al-Bajali (R.A.) relates:

   One day [the day of Eid ul-Adha] we offered our sacrifices with the Messenger of Allaah and there were some people who offered theirs before the [Eid] prayer. [After the prayer] when the Nabi (S.A.W) turned, he noticed that they had slaughtered before the prayer. So he said, 'Whoever slaughtered before the prayer must laughter another in its place. And whoever did not slaughter before we prayed **let him slaughter in the name of Allaah**.' (Sahih al-Bukhari)

4) Abaya ibn Rifa'a narrates from his grandfather that the Nabi (S.A.W) said:

   [As long as you use] whatever **causes the blood to flow out** and the **name of Allaah has been mentioned** [before slaughtering], **you may eat** [the animal]. (Sahih al-Bukhari)

5) Abu Tha'laba al-Khushani (R.A.) narrates that he asked the Messenger of Allaah some questions. The Messenger of Allaah answered his question about hunting by saying:

   Whatever you hunt with your bow, **mention the name of Allaah** [over the arrow before releasing it] and **then you may eat** [the animal you hit]. And whatever you hunt with your trained dog, **mention the name of Allaah** [over the dog before sending it out and then **you may eat** [the animal it catches]. (Sahih al-Bukhari)

6) Adi ibn Hatim (R.A.) narrates that the Messenger of Allaah said:

   If you send out your trained [hunting] dogs and **mention the name of Allaah** [over them before sending them] **you may eat** from what they catch for you.' (Sahih al-Bukhari)

7) Adi ibn Hatim (R.A.) relates:

> I said, 'Oh Messenger of Allaah, I sent out my [hunting] dog and then found with it another dog [by a dead animal]. I did not know which of them made the catch.' He replied, 'Do not eat [the animal] as you mentioned the name of Allaah over your dog but not over the other.' (Sahih Bukhari).

8) Adi ibn Hatim (R.A.) also narrates that the Messenger (S.A.W) said:

> If [your dog] mixes with dogs over which **the name of Allaah has not been mentioned** and then they catch and kill [an animal] **do not eat it**.' (Sahih al-Bukhari)

9) Adi ibn Hatim (R.A.) also relates:

> I said, 'Oh Messenger of Allaah, if one of us gets a hold of some game [while hunting] and does not have a knife with him, may he slaughter using a flint-stone or the [pointed] tip of a staff?' He replied, **'Make the blood flow out with whatever you wish and mention the name of Allaah Almighty.'** (Sunan Abi Dawud)

THE JURISTS SAY:

The general body (jumhur) of the jurists have concluded that for an act of animal slaughter to be acceptable by Islaamic law, it is also obligatory that the slaughterer recite Tasmiya – that is; mention the name of Allaah – at the time of slaughtering. If one intentionally does not mention Allaah's name, the slaughtered animal is unlawful according to **Imam Abu Hanifa**, Imam Malik, Imam Ahmad and the overwhelming majority of the jurists. In the event that one forgets it, the slaughter is considered legitimate by the **Hanafis and Malikis**, whether in the case of voluntary slaughter or hunting. However, the **Hanbalis** view that forgetting is pardoned only for voluntary slaughter. For hunting, the slaughter is not acceptable if the hunter does not mention the name of Allaah when releasing his arrow (or other projectile) or sending out his hunting dog, regardless of whether he forgets to mention or intentionally abandons doing so. (Bada'i al-Sana'i 5:46 for Hanafi school; Al-Dhakhira 4:134 and Al-Sawai'ala 'l-Dardir 2:171 for Maliki; Al-Mughni 4:11forHanbali).

Regarding **Imam Shafi'i**, the notion has become wide-spread that he views the mentioning of Allaah's name not as obligatory but only Sunnah (Qalyubi wa Umayra 4:245). However, a **review of Imam Shafi'i's** book **kitab al-Umm** makes it clear that he did not deem lawful any animal over which the slaughterer intentionally abandons mentioning Allaah's name. He merely deemed lawful that over which the slaughterer forgets to mention the name of Allaah.

In light of this, we see that the reality is that an animal over which one intentionally does not mention Allaah's name is prohibited in the view of the Hanafis, Malikis, and Hanbalis and also prohibited in Imam Shafi'i's view if one does so scornfully and disdainfully and makes doing so a habitual practice. But if it happens by mistake once or twice, his opinion is that it is not prohibited but nevertheless disliked.

However, this last statement lacks support from the Qur'aan and Sunnah as both the Qur'aanic verses and the Prophetic hadiths deem mentioning Allaah's name an essential part (rukn) of a lawful slaughter

OPINIONS OF PROMINENT ULEMA:

1) Allamah Haqqani (A.R.) – Fatawa Haqqani Vol 6. Pg 592:

    a. According to Ahnaf to leave out 'Bismillaah…' at the time of slaughtering purposefully and intentionally is the course of rendering the animal haraam.

    b. Absolutely no benefit can be extracted from such an animal. One cannot eat it or give another to eat.

    c. See also 'Al-Hidayal ala Sadri Fathul Qadeer Vol 8. Pg 57. Kitabus Zibaah.

    d. This is due to 'Nass' (clear text) of the Quraan and Ijma according to Allamah Ibn Abideen – Durre Muktaar – Vol 6. Pg 299 also some in Al-Hidayah Vol 4. Pg 435.

2) Mufti Muhammad Kifatullaah (A.R.) – Kifatul Mufti Vol 8. Pg 284:

    a. For the permissibility of the slaughter it is sufficient for the slaughterer to be Muslim on the condition that at the time of slaughter the Tasmiyah is not intentionally left out.

3) Mufti Mahmoodul Hassan Gungoli (A.R.) – Fatawa Mahmoodia Vol 8. Pg 222:

    a. The tact of the Ulema of Deoband is based upon the Quraan, Ahaadith, Fiqh Hanafia and respected saints which is if any Muslim slaughterers saying 'Bismillaah Allaahu Akbar' then the animal is halaal whilst the one saying contrary to that is in error and stubborn.

4) Mufti Abdur Rasheed Ludhanvi (A.R.) - Ahsanul Fatawa Vol 7. Pg 403:

    a. If one forgets to read the Bismillaah then the animal is Halaal.

    b. If one remembers before slaughtering then it is essential to read Bismillaah – not necessary if one remembers later.

    c. See – Durre Muktaar Vol 5. Pg 210.

5) Moulana Yusuf Ludhanvi (A.R.) – Aap ke Masaail aur unka Hal Vol 4. Pg 200:

    a. If one forgets to read Bismillaah then the animal is Halaal.

    b. If one willfully does not read Bismillaah then the animal is not Halaal.

    c. The one who knows that the animal is not Halaal must not consume it.

Regarding who should read the Tasmiyah the books of Fiqh are clear about it – Tasmiyah must be uttered by **the person actually slaughtering the animal**. If **someone else** utters the Tasmiyah while the person slaughtering remains quiet (i.e. intentionally omits reciting the Tasmiyah) **the animal will not be Halaal.**

METHOD OF SLAUGHTERING ANIMALS

Imam Shafi'i (May Allaah have mercy on him) says that it is obligatory for one to cut into the trachea and esophagus and that this is sufficient for complete slaughter even one does not cut either of the external jugular veins (Fath al-Bari 9:641; Kitab al-Umm 2:259)

There are different opinions reported of **Imam Malik** (May Allaah have mercy on him). The dominant one, though, as mentioned in the Maliki books of jurisprudence is that it is obligatory to cut into the trachea and both external jugular veins but not the esophagus (Al-Dhakira 4:133)

There are also different opinions reported of **Imam Ahmad ibn Hanbal** (May Allaah have mercy on him). One agrees with that of Imam Shafi'i but another states that it is obligatory to cut into both external jugular veins along with both the trachea and esophagus. So he seems to stipulate cutting into all four passageways. (Al-Mughni 11:44-45)

Imam Abu Hanifa (May Allaah have mercy on him) states that if one cuts into three of the four passageways, whichever three they may be and leaves one uncut the animal is lawful. (Bada'i al-Sana'i 5:41)

Despite the Jurists' varying opinions regarding these secondary details they have agreed that for voluntary slaughter, the cutting point (madhbah) is where the throat meets the upper part of the chest and **that it is necessary to cut into more than one of the four passageways.** From what we have seen so far it should be evident that the opinion requiring at least one of the two external jugular veins to be cut into is the dominant opinion. This is because making the blood flow out entirely, which is required, can only occur by cutting into one or both of the external jugular veins which are the main blood vessels in the neck.

Facts:

1) Sheikh Ahmad Mullah Jeeyoon Al-Hanafi (R.A.) [passed away 1130 A.H.] writes, "The initial ruling in things is permissibility as is the view of one group. However, the jamhoor (majority) are opposed to this view. They are of the opinion that the initial ruling in anything is Hurmat. Imaam Shaafi (R.A.) states that there is nevertheless, Hurmat, initially in anything." [Tafseer Ahmadi, page 6]

2) The express view of Hadhrat Ali (R.A.), the Ahle Bait, the Fuqahaa and Muhaditheen of Kufa (R.A.) especially Imaams Abu Hanifa and Shaafi (R.A.) is that there is initially Hurmat in a thing. The rest of the majority opine that (at least) there is Tawaqquf. In fact the author of Durrul Mukhtaar has explicity stated, "the most authentic view of the Ahle Sunnah is that there is tawaqquf (as the initial ruling) in all things and the ruling of Ibaahat is the view of the Mu'tazilahs." [Durrul Mukhtaar, vol. 1, page 345]

3) If one recites the 'Tasmiyah' intending to slaughter animal a but slaughters animal b then animal b is haraam.

4) If one reads 'Tasmiyah' once only in a shift of (for example) one hour then only the first animal will be halaal, the rest is haraam.

5) If the slaughterer has to slaughter 42 chickens per minute and leaves out the Tasmiyah in one or more – all the chickens will be classified haraam. One will not be able to determine which one is halaal and which one is haraam.

6) Due to (5) the rest of the chickens are also definitely dubious and according to many Ulema haraam which is the better and safter view as in light of point (1) and (2). If one cannot differentiate the one upon which Tasmiyah was not recited then all are haraam.

7) If the slaughterers say that they are not reciting the Tasmiyah then all the chickens will be haraam.

8) The concept that the animal is halaal because a Muslim slaughtered it and that there is no need to recite Tasmiyah is completely false.

9) The idea that because it is the responsibility of the slaughterer to recite the Tasmiyah for which he is getting paid for thus if he leaves it out then the animal is still halaal and the sin rest on the slaughterer is ludicrous, full of error and against simple Fiqh (Jurisprudence) laws.

10) By snipping one vein only and leaving 3 un-cut will leave the chicken haraam.

11) Rulings are based on greater possibilities and unique ones are not considered. This is the reason why in times of severe hunger carrion is permissible but in severe lust fornication does not become halaal. The reason being that there is no fear of loss of life in severe lust contrary to severe hunger where the fear of destruction (loss of life) is greater. [Al-Ifaadhaat, page 156, vol. 10]

12) Regarding present-day permission is Hurmat. Previously the Fatwa was that in (general) things there is permission until and unless Hurmat (prohibition) can be proven. Now the times have become such that one should say that originally there is Hurmat in things until and unless permissibility can be shown. This fatwa should be given to save people from getting involved in Haraam where after mayhem will follow. [Hasnul Azeez, page 430, vol. 4]

13) The combination of Halaal and Haraam is Haraam. This ruling of the Fuqahaa is well-accepted and it is logical as well.

A.H. Elias (Mufti) May Allaah be with him.
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